

1 [Affirming the Exemption Determination - 2853-2857 Broderick Street]

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3 **Motion affirming the determination by the Planning Department that a proposed project**  
4 **at 2853-2857 Broderick Street is exempt from environmental review.**

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6 WHEREAS, On July 3, 2014, the Planning Department determined that the proposed  
7 project located at 2853-2857 Broderick Street ("Project") is exempt from environmental review  
8 under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San  
9 Francisco Administrative Code Chapter 31. The proposed project involves a dwelling unit  
10 merger from two units to one unit and exterior alterations to the roof, facades and entry of an  
11 existing building, and removal of exterior stairs; and

12 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on  
13 October 20, 2014, Irving Zaretsky and Tim Arcuri (Appellants) appealed the exemption  
14 determination. The Appellants provided a copy of the Planning Department's Categorical  
15 Exemption Determination, finding that the proposed project was exempt under Class 1 of the  
16 CEQA Guidelines (14 Cal. Code Reg. §15301); and

17 WHEREAS, The Planning Department's Environmental Review Officer, by  
18 memorandum to the Clerk of the Board dated October 24, 2014, determined that the appeal  
19 had been timely filed; and

20 WHEREAS, On November 25, 2014, this Board held a duly noticed public hearing to  
21 consider the appeal of the exemption determination filed by Appellants and, following the  
22 public hearing, affirmed the exemption determination; and

23 WHEREAS, In reviewing the appeal of the exemption determination, this Board  
24 reviewed and considered the exemption determination, the appeal letter, the responses to the  
25 appeal documents that the Planning Department prepared, the other written records before

1 the Board of Supervisors and all of the public testimony made in support of and opposed to  
2 the exemption determination appeal. Following the conclusion of the public hearing, the Board  
3 of Supervisors affirmed the exemption determination for the project based on the written  
4 record before the Board of Supervisors as well as all of the testimony at the public hearing in  
5 support of and opposed to the appeal. The written record and oral testimony in support of and  
6 opposed to the appeal and deliberation of the oral and written testimony at the public hearing  
7 before the Board of Supervisors by all parties and the public in support of and opposed to the  
8 appeal of the exemption determination is in the Clerk of the Board of Supervisors File No.  
9 141083 and is incorporated in this motion as though set forth in its entirety; now therefore be it

10           MOVED, That the Board of Supervisors of the City and County of San Francisco  
11 hereby adopts as its own and incorporates by reference in this motion, as though fully set  
12 forth, the exemption determination; and be it

13           FURTHER MOVED, That the Board of Supervisors finds that based on the whole  
14 record before it there are no substantial project changes, no substantial changes in project  
15 circumstances, and no new information of substantial importance that would change the  
16 conclusions set forth in the exemption determination by the Planning Department that the  
17 proposed project is exempt from environmental review; and be it

18           FURTHER MOVED, That after carefully considering the appeal of the exemption  
19 determination, including the written information submitted to the Board of Supervisors and the  
20 public testimony presented to the Board of Supervisors at the hearing on the exemption  
21 determination, this Board concludes that the project qualifies for a exemption determination  
22 under CEQA.